

November 20, 2009

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
November 20, 2009

I. OPENING OF MEETING AT 2:50 P.M. AT 400 WEST MONROE STREET, SUITE 306, SPRINGFIELD, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Betty A. Bukraba, and Ares G. Dalianis (by telephone), Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Roneta Taylor, Michael Quinlan, JoAnne Tanner, John Logsdon, Julie Moscardelli, and Maribeth Moore, Illinois Department of Central Management Services; Theresa Bietsch, Illinois Department of Healthcare and Family Services; Jan Sampson, Illinois Department of Human Services; DiAna Greene, Illinois Department of Public Health; Bridget Devlin, Illinois Department of Commerce and Economic Opportunity; Jodie Winnett (by telephone), Illinois Department of Revenue; and Elizabeth Sarmiento and Rebecca Wagner (by telephone), Illinois Department of Human Services.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 16, 2009

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 16, 2009.

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging	159.....	9
Agriculture	465.....	17
Arts Council.....	20.....	2
Capitol Development Board	45.....	0
Central Management Services	1,466.....	117
Children and Family Services	3,084.....	48
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	447.....	67
Commerce Commission.....	72.....	0
Corrections.....	11,551.....	114
Criminal Justice Authority	58.....	6
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	98.....	6
Employment Security.....	1,976.....	24
Environmental Protection Agency	957.....	17
Financial & Professional Regulation	500.....	41
Gaming Board.....	81.....	7
Guardianship and Advocacy	112.....	7
Healthcare and Family Services.....	2,367.....	25
Historic Preservation Agency	238.....	12
Human Rights Commission	13.....	2
Human Rights Department	146.....	10
Human Services	13,859.....	76
Insurance.....	226.....	9
Investment Board.....	3.....	2
Juvenile Justice	1,236.....	20
Labor.....	81.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	1
Medical District Commission	2.....	0
Military Affairs	124.....	3
Natural Resources	1,392.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board	20.....	0
Property Tax Appeal Board	20.....	1
Public Health.....	1,115.....	44
Racing Board	3.....	0
Revenue	2,045.....	63
State Fire Marshal	144.....	12
State Police	1,376.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems	82.....	2
Transportation.....	2,339.....	0
Veterans' Affairs.....	1,200.....	7
Workers' Compensation Commission	171.....	9
TOTALS	49,386.....	825

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 - 1. The Governor, or
 - 2. A departmental director or assistant director appointed by the Governor, or
 - 3. A board or commission appointed by the Governor, or
 - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.

- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
 - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

* * *

C. Requests for 4d(3) Exemption and Proposed Rescissions

- Regarding Item C, Executive Director Daniel Stralka reported that this request is for the Division Chief of Disaster Planning and Readiness, a Division of the Office of Preparedness and Response and had been continued from last month, its second continuance. This position reports to the Deputy Director of Preparedness and Response who in turn reports to the agency director. To meet the reporting requirement, this Deputy Director would have to be considered the equivalent of a statutory assistant director.

Staff had indicated to the agency that it was not prepared to recommend approval of this request because of concern that it had overlapping principal policy responsibilities with its superior Deputy Director position. The agency responded just prior to last month's meeting that the Deputy Director has much broader responsibility for the day-to-day details of disaster planning such as drafting and implementing various statewide plans to address such events. The requested position is the one that has principal policy responsibility for the health and medical ramifications of such event. Staff remained concerned with the level of independent responsibility of the requested position since the position description of the Deputy Director position description that it is the position that "coordinates and directs the programmatic efforts of the Division of Disaster Planning." For these reasons, Staff remained unable to recommend approval, and the request was continued to this month.

The agency provided additional information to justify its exemption request. This position represents the Director with authority to bind the agency at numerous high-level interagency commissions or associations that are nationwide in scope. These bodies address a variety of issues related to disaster planning for biohazards, chemical exposure, and other such emergency health threats. The agency also confirmed that this Division Chief position also directly reports to the agency Director in carrying out the position responsibilities. DiAna Greene, Deputy Director of Human Resources, Illinois Department of Public Health, concurred with the Staff presentation. With this further explanation, Staff recommended approval of this request.

- Regarding Item D, Executive Director Stralka noted that this request is for the Deputy Director of Clinical Operations for the Division of Mental Health of the Department of Human Services and had been continued from last month. This position reports to the Director of the Division of Mental Health who reports to a statutory Assistant Secretary. The Director of Mental Health was for many years an agency Director prior to the consolidation of the various agencies that now constitute the Department of Human Services.

This position is responsible for the clinical operations of the Division of Mental Health. Staff had concerns with overlap with the Division Director position and an Administrator position which is what prompted its continuance last month. Those issues were cleared up by the agency in its explanation that, basically, the

Director is the policy formulator while this requested position is the policy implementer. However, Staff then had concerns how this argument co-exists with the seven presently 4d(3) exempt Mental Health Regional Director positions which, according to the agency, administer all mental health services in their respective regions. The agency responded just prior to this meeting that, essentially, this position has principal policy implementation responsibilities intra-agency via the Department of Human Services operated Mental Health Centers and also inter-agency with partner agencies in the State on mental health issues such as the Departments of Corrections, Healthcare and Family Services, and Children and Family Services. The Regional Managers' scope of policy implementation responsibility is more with the independent providers of services throughout their respective regions. This is consistent with an organizational structure proposed by the Department of Human Services back in 2007. Jan Sampson, Human Resources representative for the agency, concurred with the Staff presentation. With this explanation, Staff recommended approval of this request.

- Regarding Item E, Executive Director Stralka explained that this request is actually a clarification of a currently exempt position and was placed on the agenda at the request of Commission Staff. It is for the General Counsel position at the Illinois Labor Relations Board, a position which reports to the Director. For unknown reasons which predate all the current commissioners and staff, the Labor Relations Board had two 4d(3) exempt Executive Director positions even though one was historically utilized as its General Counsel. Commission Staff requested that this item be placed on the agenda to comply with what it understood to be a long-standing practice that when a position is clarified so that over 50% of its duties are changed, it will be placed before the Commission to approve its continued exemption. Consistent with past Commission determinations on similar positions, Staff recommended approval of this request.
- As to Item F, Executive Director Stralka reported that this request is for the Deputy Director of Administrative Operations for the Department of Healthcare & Family Services, a position that reports to the Director. This position was previously before the Commission in August of this year when its exemption was rescinded due to duplicate responsibilities with another 4d(3) exempt position. These overlapping responsibilities have been resolved with a clarification of both positions. This position has principal policy responsibility for a variety of administrative operations in the agency including personnel, fiscal, information technology, and internal auditing. It also participates in the planning of a variety of this agency's programs such as Medicaid and Child Support. Theresa Bietsch, Administrator, Division of Personnel for Healthcare and Family Services, concurred with the Staff presentation. Consistent with past Commission determinations that approved the exemption requests for similar positions, Staff recommended approval of this request.

IT WAS MOVED BY COMMISSIONER, SECONDED BY COMMISSIONER, AND THE MOTION ADOPTED 4-0 TO GRANT AND CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption requests were granted on November 20, 2009:

C. Illinois Department of Public Health

Position Number	40070-20-09-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Preparedness & Response
Functional Title	Division Chief for Disaster Planning & Readiness
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Sangamon County

D. Illinois Department of Human Services

Position Number	40070-10-76-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Division of Mental Health
Functional Title	Deputy Director for Clinical Operations
Incumbent	Vacant
Supervisor	Director of Mental Health, who reports to the Assistant Secretary who in turn reports to the Secretary
Location	Sangamon County

E. Illinois Labor Relations Board

Position Number	40070-50-18-100-20-01
Position Title	Senior Public Service Administrator
Functional Title	General Counsel
Incumbent	Vacant
Supervisor	Chairman and Board Members
Location	Cook County

F. Illinois Department of Healthcare and Family Services

Position Number	40070-33-00-010-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Deputy Director for Administrative Operations
Incumbent	Vacant
Supervisor	Director
Location	Cook County

G. Rescissions in accordance with Rule 11(c) of the Rules of the Civil Service Commission (continued from August 21, 2009 meeting)

As to items G1-G13, Executive Director Daniel Stralka reminded the Commissioners that they were previously discussed at the Commission's August 21, 2009 meeting and continued until today, and that Commission rules provide that rescissions shall be approved only after the Commission has determined that an adequate level of managerial control exists in exempt status which will insure responsive and accountable administrative control of agency programs. It was Commission staff's position that such control exists for all these proposed rescissions.

As to items G1-G5, these are all positions under the Illinois Office of Communication and Information and had been continued to allow Central Management Services to complete its clarifications of these positions and then have Commission staff audit all the Media Administrator positions to ensure that these employees are performing work consistent with their individual position descriptions. While the clarifications are complete, the audit has not yet occurred so Commission Staff recommended that these be continued until the Commission's February 19, 2010 meeting.

As to items G6-G10, these are all Assistant Deputy Director positions in the Department of Commerce and Economic Opportunity and had been continued to obtain additional detail on each position. All these positions are presently vacant, but the agency provided the following additional information to Commission staff:

- Item G6 is filled as of 12/1/09;
- Item G7 has been filled;
- Item G8 is expected to be filled by the end of the year;
- Item G9 is expected to be filled in 2010;
- Item G10 is expected to be filled by the end of this month.

It was the Staff recommendation that if the Commission is satisfied with the agency's response then it should deny these proposed rescissions, especially items G6 and G7, as they have been filled.

As to items G11-13, these are Department of Human Services' positions. It was noted that Item G12 has been filled by interim appointment so Staff recommended denial of that proposed rescission. As to items G11 and G13, there had been no response from the agency until last night when the Commission received a fax of a letter dated November 4, 2009 from the recently-appointed Secretary that essentially requested additional time for her to review and evaluate the need for these positions. In light of the Secretary's letter, it was the Staff recommendation to continue items G11 and G13.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO CONTINUE TO FEBRUARY 19, 2010 AND DENY THE RESCISSION OF 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption rescissions were continued to February 19, 2010 on November 20, 2009:

Item	Agency	Position Number	Functional Title
G1	CMS	40070-37-80-100-01-02	Media Administrator
G2	CMS	40070-37-80-100-01-05	Media Administrator
G3	CMS	40070-37-80-100-01-07	Media Administrator
G4	CMS	40070-37-80-100-01-08	Media Administrator
G5	CMS	40070-37-80-100-00-01	Statewide Media Relations
G11	DHS	40070-10-00-000-84-01	Executive Assistant to the Secretary
G13	DHS	40070-10-12-100-00-01	Special Management Assistant

The following 4d(3) exemption rescissions were denied on November 20, 2009:

Item	Agency	Position Number	Functional Title
G6	CEO	40070-42-10-000-05-01	Asst. Dep. Dir.-Economic Develop.
G7	CEO	40070-42-25-000-05-01	Asst. Dep. Dir.-Tourism
G8	CEO	40070-42-50-000-05-01	Asst. Dep. Dir.-Community Develop.
G9	CEO	40070-42-60-000-05-01	Asst. Dep. Dir.-Tech & Industry
G10	CEO	40070-42-70-000-05-01	Asst. Dep. Dir.-Energy & Recycling
G12	DHS	40070-10-11-200-00-01	Chief, Recruitment & Selection

H. Rescissions in accordance with Rule 11(c) of the Rules of the Civil Service Commission

Executive Director Stralka reminded all present that if the Commission approves the rescission of 4d(3) exempt status for any of these positions, it does not mean that the position is eliminated, only that the position is subject to the merit and fitness provisions of the Personnel Code and Rules. If a position has its exempt status rescinded and an agency subsequently decides that it believes exemption is warranted, there is nothing that prevents it from making a new request for exemption next month.

Prior to addressing Items H1-H37, Executive Director Stralka reviewed the process that occurred prior to this point. The major factor was that they all have been vacant in excess of two years. On October 19, 2009, Staff provided notice to the Director of Central Management Services in accordance with our Rules followed by letters to all affected agency directors notifying them of which

positions may be placed on this month's agenda for rescission and why. These notices included 48 positions. Since that time, there have been many telephone calls, e-mails, and correspondence with agency representatives about these proposed rescissions. Many issues were resolved during this initial period with several of these positions so that when it came time to finalize the agenda only 37 positions were included for the Commission to determine if their 4d(3) exemption should be rescinded. These discussions continued to the point that as of this morning Staff is only presenting 19 for consideration of rescission of exemption. Unless otherwise noted during the individual presentations to follow, these positions were all vacant.

Executive Director Stralka then referred to two specific entries on a column marked "CSC Staff Recommendation/Comments" on the proposed rescission list provided to each Commissioner. The first entry is "Rescind – no objection" which means that the agency conceded the rescission of the exemption. That does not mean that the agency agreed to it, only that they elected not to contest it. The second says "Rescind – no response" which means that despite the written notice to the agency and subsequent notifications to Central Management Services, the agency had not responded and Commission Staff still had not received any objection. Staff interpreted this silence to mean that the agency elected not to contest the rescission. These positions set forth below were not further addressed at this time and the Commissioners did not pose any questions. This totals 12 positions as follows:

Items H1, H5, H6, H7, H8, H17, H22, H25, H30, H31, H32, and H36.

Executive Director Stralka noted that as to item H7, Staff had just received a clarified position description indicating that the position had been abolished.

In addition, there were 17 positions in which the Staff recommendation is to deny the proposed rescission for the reasons set forth on the proposed rescission list. These were included on the agenda to show that there can be legitimate and sensible reasons why exempt positions can be vacant for extended periods of time. These positions set forth below were also not further addressed. These positions are as follows:

H2, H3, H9, H10, H11, H12, H13, H14, H15, H16, H20, H26, H27, H28, H33, H34, and H35.

Finally, there were five positions which Staff is recommending be continued until February 19, 2010 as the agencies have represented that the positions are so far along the process to fill them that appointments are imminent or a new agency Director has requested additional time to consider the need for the positions. These positions are as follows:

H18, H19, H23, H24, and H29.

That leaves three positions which Staff recommended for rescission but the agency contested. Short summaries of the reasons Staff has recommended rescission were included on the proposed rescission list. These positions are as follows:

- H4: Central Management Services
- H21: Historic Preservation Agency
- H37: Workers' Compensation Commission

As to item H4, Julie Moscardelli, of Bureau of Computers and Communication Services at Central Management Services, requested that the exemption for this position not be rescinded. She indicated that this is an essential position that the agency has been pushing through the epar process and asked at a minimum that it be continued to allow additional time to fill the position. With that presentation, Staff agreed to recommend that this proposed rescission be continued. No objections were raised as to H21 and H37.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO CONTINUE TO FEBRUARY 19, 2010, DENY THE RESCISSION, AND TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption rescissions were continued to February 19, 2010 on November 20, 2009:

Item	Agency	Position Number	Functional Title
H4	CMS	40070-37-13-000-00-01	BCCS-Telecommunications Manager
H18	FPR	40070-13-20-400-00-01	Credit Unions
H19	FPR	40070-13-40-932-00-01	Chief, Business Prosecutions
H23	DHS	40070-10-76-000-30-01	Manager-Administrative Services Organization Contracts
H24	INS	40070-14-20-000-00-01	Deputy Director-Workers' Comp. Fraud
H29	DNR	40070-12-04-000-00-01	Executive Dir., World Shooting Complex

The following 4d(3) exemption rescissions were denied on November 20, 2009:

Item	Agency	Position Number	Functional Title
H2	AG	40070-11-01-800-00-01	State Purchasing Officer
H3	AG	40070-11-40-000-00-01	Manager, Agr. Industry Reg.
H9	DOC	40070-29-20-111-10-01	Assistant Sup. Jessie "Ma" Houston ATC
H10	DOC	40070-29-20-213-10-01	Assistant Sup. Peoria ATC
H11	DOC	40070-29-64-200-00-01	Asst. Warden of Programs-Thomson
H12	DOC	40070-29-64-300-00-01	Asst. Warden of Operations-Thomson

Item	Agency	Position Number	Functional Title
H13	DOC	40070-29-82-200-00-01	Asst. Warden of Programs-Stateville
H14	DOC	40070-29-86-200-00-01	Asst. Warden of Programs-Vienna
H15	DOC	40070-29-96-300-00-01	Asst. Warden of Operations-Shawnee
H16	DOC	40070-29-99-200-00-01	Asst. Warden of Programs-Western IL
H20	HFS	40070-33-05-000-00-61	Chief, Healthcare Purchasing
H26	DJJ	40070-27-17-300-00-01	Asst. Warden of Operations-IYC Chicago
H27	DJJ	40070-27-20-200-00-01	Asst. Warden of Programs-Harrisburg
H28	DJJ	40070-27-50-300-00-01	Asst. Warden of Operations-Pere Marquette
H33	DOR	40070-25-10-100-00-01	Administrator-Chicago Admin/Financial Services Programs
H34	DOR	40070-25-50-000-00-01	Manager, Tax Enforcement
H35	DOR	40070-25-90-000-01-01	Associate Director

The following 4d(3) exemptions were rescinded on November 20, 2009:

Item	Agency	Position Number	Functional Title
H1	AG	40070-11-01-000-00-02	Statewide Project Mgr. for Economic Dev. Initiatives
H5	CMS	40070-37-16-450-00-01	BCCS-Info. Technology
H6	CMS	40070-37-60-000-01-16	Property Mgmt.-Info. Tech. Administrator
H8	DOC	40070-29-11-000-00-01	Deputy CFO & Administrator
H17	CJIA	40070-50-05-500-00-01	Chief Information Officer
H21	HPA	40070-48-00-000-00-01	Deputy Director
H22	DHR	40070-49-30-000-00-01	Manager of Compliance Prog.
H25	INV	40070-50-95-000-00-01	Deputy Director
H30	IPCB	40070-50-80-000-00-01	Executive Director
H31	DPH	26404-20-50-000-00-02	Deputy Director, Health Protection
H32	DOR	40070-25-00-100-40-01	Deputy Director
H36	DOR	40070-25-90-200-10-01	Deputy Director, Events/Sponsorships
H37	WCC	40070-50-37-200-00-01	Assistant Secretary

V. CLASS SPECIFICATIONS

The following class titles were submitted for creation and revision by the Director of Central Management Services:

Position Titles:

Police Lieutenant (revise)
Clinical Services Supervisor (create)
Juvenile Justice Chief of Security (create)
Shift Supervisor (create)
Forensic Science Administrator 1 (create)
Forensic Science Administrator 2 (create)

Staff Analysis: Assistant Executive Director Barris spoke to John Logsdon at Central Management Services regarding the need for the class study and the effect of collective bargaining agreements on the proposed revised and new classes. Logsdon attended the meeting and spoke to the Commissioners about the need for the class study and the proposed changes. Logsdon stated that the Illinois State Employees' Association requested the class study after the Public Service Administrator (PSA) option 7 positions were certified by the Illinois Labor Relations Board (ILRB). Therefore, new pay grades had to be established since the classes were represented by a new bargaining unit. Logsdon stated that the five new classes derived from the PSA class had 186 incumbents in the position. Each of the five classes more accurately described the work to be performed and the responsibilities of each separate class than the previously broad-banded PSA option 7 class that encompassed all 186 positions. Logsdon explained that the new classes were based upon the previous class specifications used before the broadband classification was imposed in 1994. Logsdon also acknowledged that the ILRB decision to certify the PSA class also affected positions in the AFSCME collective bargaining unit and that further requests to the Commission for revisions and/or new classes might be forthcoming.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE DECEMBER 1, 2009:

Police Lieutenant (revise)
Clinical Services Supervisor (create)
Juvenile Justice Chief of Security (create)
Shift Supervisor (create)
Forensic Science Administrator 1 (create)
Forensic Science Administrator 2 (create)

November 20, 2009

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	EWELL	YES
PETERSON		DALIANIS	YES
BUKRABA	YES		

VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 400 West Monroe Street, Suite S-901, Springfield, Illinois at 3:31 p.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Betty A. Bukraba, and Ares G. Dalianis (by telephone), Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	9/30/09	10/31/09	10/31/08
Aging	1	1	0
Agriculture	5	4	2
Central Management Services	0	1	2
Children and Family Services	7	11	2
Employment Security	8	6	1
Healthcare and Family Services	6	4	12
Historic Preservation	1	1	0
Human Services	4	1	2
Investment Board	0	0	1
Natural Resources	32	36	7
Property Tax Appeal Board	0	0	0
State Fire Marshal	1	1	0
State Police	0	0	1
State Retirement Systems	0	0	1
Transportation	6	11	6
Veteran's Affairs	0	0	5
Workers' Compensation Commission	0	0	6
Totals	71	77	48

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• RULE VIOLATIONS

RV-7-09, RV-28-09, and RV-29-09¹

Employee	Britt Weatherford	Appeal Date	08/12/08 - 01/22/09
Agency	HFS	Decision Date	10/27/09
Type	Rule Violation	ALJ	Andrew Barris
Allegations	Violations of Personnel Code and Rules regarding hiring, salary, over-time compensation, performance evaluation, and retaliation	Proposed Finding	No violation of Personnel Code and Rules.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 4-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSED FINDING THAT THE PETITIONER HAD NOT PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES OCCURRED AS ALLEGED. IT SHOULD BE NOTED THAT THE COMMISSION RECOGNIZES THAT THE PETITIONER RECEIVED A WRITTEN REPRIMAND ON JULY 1, 2009 – AFTER THE ABOVE RULE VIOLATION APPEALS WERE FILED AND THE RESPONDENT HAD AN OPPORTUNITY TO RESPOND TO THE CONSOLIDATED APPEALS ON JUNE 25, 2009. HOWEVER, THE CIVIL SERVICE COMMISSION DOES NOT HAVE JURISDICTION TO ADJUDICATE THE PROPRIETY OF THIS WRITTEN REPRIMAND PURSUANT TO THE RULES OF THE CIVIL SERVICE COMMISSION. HOWEVER, IF THE PETITIONER RECEIVES DISCIPLINE IN THE FORM OF A “REMOVAL, DISCHARGE, DEMOTION, OR SUSPENSION FOR A PERIOD OF MORE THAN 30 DAYS WITHIN A TWELVE-MONTH PERIOD” AS SET FORTH IN SECTION 1.130 OF THE RULES OF THE CIVIL SERVICE COMMISSION AND THE PETITIONER APPEALS THE DISCIPLINE, THE RESPONDENT’S ACTIONS IN IMPOSING SUCH DISCIPLINE WILL BE EXAMINED BY THE COMMISSION.

KOLKER	YES	EWELL	YES
PETERSON		DALIANIS	YES
BUKRABA	YES		

¹ RV-7-09, RV-28-09, and RV-29-09 were consolidated on May 5, 2009.

- **DECLARATORY RULING**

DR-12-09

Employee	Britt Weatherford	Appeal Date	09/23/08
Agency	HFS	Decision Date	10/27/09
Type	Declaratory Ruling	ALJ	Andrew Barris
Ruling Requested	To be allowed union representation at his performance evaluation	Proposed Finding for Declaratory Ruling	Request for declaratory ruling is denied.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 4-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THE REQUEST FOR DECLARATORY RULING IS DENIED BECAUSE THE PETITIONER FAILED TO SPECIFY AN APPLICABLE SECTION OF THE PERSONNEL CODE OR PERSONNEL RULES OVER WHICH THE COMMISSION HAS THE AUTHORITY TO ISSUE SUCH A RULING.

KOLKER	YES	EWELL	YES
PETERSON		DALIANIS	YES
BUKRABA	YES		

- **RULE VIOLATION**

RV-35-09

Employee	DeMarco Nichols	Appeal Date	04/03/08
Agency	DOT	Decision Date	10/27/09
Type	Rule Violation	ALJ	Andrew Barris
Allegations	Violation of Personnel Code and Rules regarding administrative leave and discharge	Proposed Finding	No violation of Personnel Code and Rules.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 4-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THE PETITIONER HAS NOT PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES OCCURRED.

KOLKER	YES	EWELL	YES
PETERSON		DALIANIS	YES
BUKRABA	YES		

X. APPEALS DISPOSED OF WITHOUT DECISION ON THE MERITS

DISMISSED

• **DA-40-09**

Employee	Kerrie Petzo	Appeal Date	05/26/09
Agency	CMS	Decision Date	11/05/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Failure to complete audits; failure to provide status updates on audits after receiving direction; unauthorized absences	Recommended Decision	Dismissed subject to Commission approval; withdrawn (settled).

• **DA-7-10**

Employee	Rockeya L. Robinson	Appeal Date	09/08/09
Agency	DHS	Decision Date	10/19/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming; tardiness	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

• **S-14-10**

Employee	Corey D. Gray	Appeal Date	10/29/09
Agency	DHS	Decision Date	11/06/09
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Refusal to work mandatory overtime	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 4-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISIONS TO DISMISS THE APPEALS OF KERRIE PETZO, ROCKEYA ROBINSON, AND COREY GRAY.

KOLKER	YES	EWELL	YES
PETERSON		DALIANIS	YES
BUKRABA	YES		

XI. AMENDMENTS TO THE PERSONNEL RULES

Section 302.514 Notice of Temporary Layoff

Notice of temporary layoff shall be served on the employee by the agency ~~30~~^{ten} working days in advance of the effective date unless extraordinary operating conditions or events preclude such advance notice.

Section 302.520 Indeterminate Layoff Procedure

- a) An operating agency may request the indeterminate layoff of an employee because of lack of funds, material change in duties or organization or lack of work or the abolition of a position for any of these reasons. Based on class, option, agency, county or other designation, an indeterminate layoff shall be within organizational units justified by operations and approved prior to the layoff by the Director.

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Section 302.530 Order of Layoff

- a) The following order shall be observed in making an indeterminate layoff:
- 1) No certified, probationary, or provisional employee may be laid off until all exempt, temporary, and emergency employees in the same class, option and the approved layoff organizational unit are terminated;
 - 2) No certified or probationary employee may be laid off until all provisional employees in the same class, option and the approved layoff organizational unit are terminated;
 - 3) No certified employee may be laid off until all probationary employees in the same class, option and the approved layoff unit are laid off.
 - 4) Certified employees will be laid off in reverse order of continuous service in the same class, option and approved layoff unit.

...

Section 302.540 Effective Date of Layoff

Merit compensation system/broad-banded employees subject to layoff shall be given 30 days notice of the layoff by the employing agency. A list of all current non-bargaining unit vacancies of all positions within the agency shall be provided to the merit compensation system/broad-banded employee with the notice of layoff. If any bargaining unit vacancy remains after all contractual obligations are fulfilled, those bargaining unit vacancies may be offered to non-bargaining unit staff to minimize the impact of the layoff.

Vacancy for any employee subject to layoff is defined as the current, funded, vacant position which management has the present intention to fill.

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Section 302.545 Filling of Vacancies by Merit Compensation System/Broad-Banded Employees Subject to Layoff via Transfer

Each merit compensation system/broad-banded employee who is subject to layoff shall be offered any vacant positions for the same title held by that employee within the same agency and county from which the employee is subject to layoff and within two additional alternate counties designated by the employee. In the event the employee's facility or office is closing, the employee may designate one additional alternate county, for a total of four counties. In no event shall such vacancies include positions that are subject to collective bargaining, unless those bargaining unit vacancies remain after all contractual obligations have been fulfilled. Temporary, emergency, and provisional employees shall not be granted a transfer request pursuant to Section 302.450.

Section 302.550 Employee Opportunity to Seek Voluntary Reduction or Lateral Transfer

A certified employee as defined in Section 302.530 who is subject to indeterminate layoff as a result of the Director's approval of a layoff plan shall be promptly notified 30 days prior to~~thereof~~ of the effective date of layoff, and shall then be advised of the opportunity to request voluntary reduction to a current vacant position in accordance with Section 302.500 or lateral transfer to a current vacant position having the same maximum permissible salary or rate in accordance with Section 302.410 or 302.435 within the agency. An employee seeking voluntary reduction must request such in writing to the head of the employing agency prior to the proposed effective date of layoff.

Section 302.560 Order of Preference in Voluntary Reduction or Lateral Transfer

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- b) Or, in the event a certified employee requests a lateral transfer as a result of his/her pending indeterminate layoff, the certified employee shall be preferred for any current vacant position whose classification has the same maximum permissible salary or rate within the same agency over any probationary or provisional employee, any employee or applicant on an eligible list for such vacant position, any certified employee subject to layoff having lesser continuous service and any certified employee requesting such lateral transfer who is not subject to layoff.

Section 302.570 Reemployment Lists

- a) Employees in Titles Subject to Collective Bargaining

The Department shall establish and maintain a reemployment list, by class, option, ~~and~~ agency and county, or other designated geographical area approved by the Director before layoff. A certified employee, ~~except those who are in the Senior~~

~~Public Service Administrator or the Public Service Administrator classes who are covered by subsections (b) and (c) below, who has been indeterminately laid off shall be placed in order of length of continuous service as defined in Section 302.190 on a reemployment list for recall to the first available assignment to a position in the class (or related classes with substantially similar requirements and duties), option, ~~and~~ agency, and county, or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list. Where circumstances warrant, at the discretion of the Director, such reemployment list may be established by related classes and options whose duties are substantially similar to the class from which the employee was laid off.~~

b) Employees in Merit Compensation System/Broad-banded Titles

In the event no vacancies exist as described in Section 302.545, employees in merit compensation system/broad-banded titles shall be placed on the employing agency's reemployment list for 1) the title and option from which the employee was laid off; and 2) any other titles in which the employee was previously certified within the county from which the employee was laid off and within two additional alternate counties designated by the employee. In the event the employee's facility or office is closing, the employee may designate one additional alternate county, for a total of four counties. In no event shall such vacancies include positions that are subject to collective bargaining unless those bargaining unit vacancies remain after all contractual obligations have been fulfilled. Laid off employees shall remain on the reemployment list for three years, commencing with the effective date of layoff. Reemployment of merit compensation system/broad-banded employees to positions under term appointments is subject to the provisions of Section 302.825. Reemployment of merit compensation system/broad-banded employees to non-term appointment Senior Public Service Administrator and Public Service Administrator positions will be placed on the appropriate list for the identical classification and option designation for the position from which the employee was laid off. Certified employees who have been indeterminately laid off from the Senior Public Service Administrator or the Public Administrator classifications will be placed on the appropriate reemployment list for the Senior Public Service Administrator or the Public Service Administrator based on the classification and option designation for the position from which the employee was laid off. The employee shall be placed, in order of length of continuous service as defined in Section 302.190, on a reemployment list for recall to the first available assignment to a position in the class and option, agency, and county or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list.

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Section 302.590 Removal of Names From Reemployment List

a) A laid off employee's name shall be removed from the reemployment list when:

...

3) The employee's name has remained on the reemployment list for 3624 months;

...

Section 305.270 Extends Jurisdiction A, B and C (December 30, 2009)

Effective December 30, 2009, the Personnel Code Jurisdictions A, B and C will be extended to the Department of Central Management Service's Bureau of Communication and Computer Services positions performing work as network or systems engineers, managers, fiscal and support staff which were transferred into the Department from the Board of Higher Education's Illinois Century Network or information technology staff consolidated from the Illinois Department of Transportation.

With the exception of those employees who have already been determined qualified, the foregoing affected employees in the Bureau will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments subsequent to December 30, 2009, will be made pursuant to provisions of the Illinois Personnel Code and the Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and Rules of the Department of Central Management Services will apply to the affected employees effective December 30, 2009.

Executive Director Stralka briefly explained the effects of these proposed amendments.

XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The fiscal year 2010 budget reserves increased from 2% to 5% (\$19,433), plus an additional reserve of \$12,636 from furlough days. A revised management plan was submitted to the Office of Management & Budget.
- Sandra Guppy and Beckie Daniken attended retirement coordinator seminars.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, December 18, 2009 in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 3:45 P.M.